

AN ORDINANCE **98122**

**AUTHORIZING PAYMENT IN THE AMOUNT OF \$635,460.20 TO GERRY RICKHOFF, COUNTY CLERK, FOR COURT COSTS INCURRED IN CONDEMNATION CAUSE NO. 2000-ED-0018, CITY OF SAN ANTONIO VS. THE BERTETTI FAMILY LIMITED PARTNERSHIP, ET AL IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS – HAUSMAN TO DEZAVALA PROJECT LOCATED IN COUNCIL DISTRICT 8; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.**

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**WHEREAS**, the City of San Antonio proceeded in Condemnation Cause No. 2000-ED-0018, *City of San Antonio vs. The Bertetti Family Limited Partnership, Et Al*;

**WHEREAS**, the Special Commissioners met on February 4, 2003 and awarded the owners the sum of \$621,000.00 for fee simple title to this parcel of land; and

**WHEREAS**, the City of San Antonio appealed the Award and hearing was held on August 15, 2003; and

**WHEREAS**, the City of San Antonio was ordered to deposit the Award plus interest at six percent per annum until deposited with the Registry of the Court pending final resolution of the City's appeal; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The budget in Fund No. 43-152095, 2002 MPO Certificates of Obligation, shall be revised by reducing Index Code 751479, entitled "Unallocated Appropriations", by the amount of \$635,460.20.

**SECTION 2.** The amount of \$635,460.20 is appropriated in Fund No. 43-152010, 2002 MPO Certificates of Obligation, in Index Code 929745, entitled "Transfer to 45-746013 Babcock". The amount of \$635,460.20 is authorized to be transferred from Fund 43-152010 to Fund 45-746013.

**SECTION 3.** The budget in Fund No. 45-746000, 1987 Drainage, Sold 1994, shall be revised by increasing Index Code 111062, entitled "Transfer From 43-152010 (45-746013) Babcock," in the amount of \$635,460.20.

**SECTION 4.** The amount of \$635,460.20 is appropriated in Fund No. 45-746013, 1987 Drainage, Sold 1994, in Index Code 406900, entitled "Purchase of Land", and is authorized to be encumbered and made payable to **Gerry Rickhoff, County Clerk**, in connection with the Babcock Road Improvements – DeZavala to Hausman Rd. Project.

**SECTION 5.** To the extent that a court of competent jurisdiction awards compensation for losses other than for, 1) the value of the portions taken; plus, 2) damages to the remainder which are caused by the severance of the portions taken, then the amount of such losses shall be paid out of the City's loss reserve account and the allocations set out in Sections 1 through 4, above shall be reimbursed from the loss reserve fund as allocated by the Director of Finance.

**SECTION 6.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 7.** This ordinance shall be effective on the 14th day of September 2003.

**PASSED AND APPROVED this the 4th day of September 2003.**



M A Y O R

**ATTEST:**

  
CITY CLERK

**APPROVED AS TO FORM:**



City Attorney